

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHARLES SESE COSTANZA FIFE,

Petitioner,

v.

**NATHANIEL QUARTERMAN, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,**

Respondent.

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Civil Action No. **3:07-CV-1558-L**

ORDER


Before the court is Fife's Petition for Writ of Habeas Corpus, filed September 12, 2007. Pursuant to Special Order 3-251, the complaint was referred to United States Magistrate Judge Wm. F. Sanderson, Jr., on September 12, 2007. On February 29, 2008, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge ("Report") was filed. No objections to the Report have been filed.

This is a habeas petition filed pursuant to 28 U.S.C. § 2254. Magistrate Judge Sanderson found that the petition was barred by the one-year statute of limitations of the Antiterrorism and Effective Death Penalty Act of 1996 and, alternatively, that the relief sought is procedurally barred under the independent and adequate state ground doctrine.* Having reviewed the petition, file, record, and the Report in this case, the court determines that the findings and conclusions are correct. The magistrate judge's findings and conclusions are therefore **accepted** as those of the

* The Report contains the following language: "In turn[,] federal review of these claims in his § 2254 petition is barred in light of the Fifth Court's express and unambiguous application of a procedural bar in dismissing his direct appeal." Report 4. The court reads this language and the magistrate judge's citation to *Coleman v. Thompson*, 501 U.S. 722, 729 (1991), as a finding that the relief sought in the petition is procedurally barred under the independent and adequate state ground doctrine, which is what *Coleman* discusses.

court. The court therefore **dismisses with prejudice** the writ of habeas corpus as it is barred by the one-year limitations period and the independent and adequate state ground doctrine.

It is so ordered this 31st day of March, 2008.


Sam A. Lindsay
United States District Judge